IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

FIRST APPEAL No 8062 of 1999

For Approval and Signature:

Hon'ble MR.JUSTICE D.C.SRIVASTAVA sd/-
and
Hon'ble MR.JUSTICE H.K.RATHOD sd/-

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO
No

2. To be referred to the Reporter or not? No :

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO
No

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO
No

5. Whether it is to be circulated to the Civil Judge? No :

AHMEDABAD MUNICIPAL TRANSPORT SERVICE

Versus

MITTAL

Appearance:

MR HS MUNSHAW for Petitioner
MR SANDIP C SHAH for Respondent No. 1
NOTICE UNSERVED for Respondent No. 2
DAKSHESH MEHTA for Respondent No. 3

CORAM : MR.JUSTICE D.C.SRIVASTAVA
and
MR.JUSTICE H.K.RATHOD

Date of decision: 28/06/2000

ORAL JUDGEMENT

(Per : D.C.Srivastava, J.)

1. This First Appeal arises out of common Award rendered by the Motor Accident Claims Tribunal, Ahmedabad, inter-alia deciding M.A.C.Petition No.367 of 1992 (3) and awarding Rs.5000/- as compensation with interest at the rate of 12 % p.a. to the claimant from the date of petition till realisation.

2. Under Section 173(2) of the Motor Vehicles Act it is provided that no Appeal shall lie against any award of claim Tribunal if the amount is disputed in the Appeal is less than Rs.10,000/-. Shri Sandip Shah for the respondents on this provision argues that the Appeal is to be dismissed. Shri H.S.Munshaw, however, argues that since the common judgment rendering several awards in the M.A.C.Petition is under challenge in other Appeal No.8063 of 1999 he has filed this Appeal. He has no objection in case this Appeal is dismissed with observation that the grounds on which other Awards in common judgment are challenged are permitted to be challenged in First Appeal No.8063 of 1999.

3. As such granting permission to challenge common judgment and award in First Appeal No.8063 of 1999 this Appeal is dismissed in view of Section 173(2) of the Motor Vehicles Act with no order as to costs.

sd/-

(D. C. Srivastava, J.)

Date : June 28, 2000 sd/-

(H. K. Rathod, J.)

sas